

111TH CONGRESS  
1ST SESSION

# H. R. 844

To amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2009

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Marine Mammal Res-  
5       cue Assistance Amendments of 2009”.

6       **SEC. 2. STRANDING AND ENTANGLEMENT RESPONSE.**

7       (a) COLLECTION AND UPDATING OF INFORMA-  
8       TION.—Section 402(b)(1)(A) of the Marine Mammal Pro-  
9       tection Act of 1972 (16 U.S.C. 1421a(b)(1)(A)) is amend-  
10      ed by inserting “or entangled” after “stranded”.

1 (b) ENTANGLEMENT RESPONSE AGREEMENTS.—

2 (1) IN GENERAL.—Section 403 of such Act (16  
3 U.S.C. 1421b) is amended—

4 (A) by amending the section heading to  
5 read as follows:

6 **“SEC. 403. STRANDING OR ENTANGLEMENT RESPONSE**  
7 **AGREEMENTS.”;**

8 and

9 (B) in subsection (a) by inserting “or en-  
10 tanglement” before the period.

11 (2) CLERICAL AMENDMENT.—The table of con-  
12 tents at the end of the first section is amended by  
13 striking the item relating to section 403 and insert-  
14 ing the following:

“Sec. 403. Stranding or entanglement response agreements.”.

15 (c) LIABILITY.—Section 406(a) of such Act (16  
16 U.S.C. 1421e(a)) is amended by inserting “or entangle-  
17 ment” after “stranding”.

18 (d) ENTANGLEMENT DEFINED.—

19 (1) IN GENERAL.—Section 410 of such Act (16  
20 U.S.C. 1421h) is amended—

21 (A) by redesignating paragraphs (1)  
22 through (6) in order as paragraphs (2) through  
23 (7); and

24 (B) by inserting before paragraph (2) (as  
25 so redesignated) the following:

1           “(1) The term ‘entanglement’ means an event  
2           in the wild in which a living or dead marine mammal  
3           has gear, rope, line, net, or other material wrapped  
4           around or attached to it and is—

5                   “(A) on a beach or shore of the United  
6           States; or

7                   “(B) in waters under the jurisdiction of  
8           the United States.”.

9           (2) CONFORMING AMENDMENT.—Section  
10          408(a)(2)(B)(i) of such Act (16 U.S.C. 1421f–  
11          1(a)(2)(B)(i)) is amended by striking “section  
12          410(6)” and inserting “section 410(7)”.

13          (e) JOHN H. PRESCOTT MARINE MAMMAL RESCUE  
14 ASSISTANCE GRANT PROGRAM.—

15           (1) AUTHORIZATION OF APPROPRIATIONS FOR  
16 GRANT PROGRAM.—Section 408(h) of such Act (16  
17 U.S.C. 1421f–1(h)) is amended—

18                   (A) by striking “\$5,000,000 for each of  
19           fiscal years 2001 through 2003” and inserting  
20           “\$7,000,000 for each of fiscal years 2010  
21           through 2013”; and

22                   (B) in paragraph (1) by striking  
23           “\$4,000,000” and inserting “\$6,000,000”.

1           (2) ADMINISTRATIVE COSTS AND EXPENSES.—

2           Section 408 of such Act (16 U.S.C. 1421f–1) is  
3           amended—

4                   (A) by adding at the end of subsection  
5                   (a)(1) the following: “All funds available to im-  
6                   plement this section shall be distributed to eligi-  
7                   ble stranding network participants for the pur-  
8                   poses set forth in this paragraph and paragraph  
9                   (2), except as provided in subsection (f).”; and

10                   (B) by amending subsection (f) to read as  
11           follows:

12           “(f) ADMINISTRATIVE COSTS AND EXPENSES.—Of  
13           the amounts available each fiscal year to carry out this  
14           section, the Secretary may expend not more than 6 per-  
15           cent or \$80,000, whichever is greater, to pay the adminis-  
16           trative costs and administrative expenses to implement the  
17           grant program under subsection (a). Any such funds re-  
18           tained by the Secretary for a fiscal year for such costs  
19           and expenses that are not used for such costs and ex-  
20           penses before the end of the fiscal year shall be provided  
21           as grants under subsection (a).”.

22           (3) EMERGENCY ASSISTANCE.—Section 408 of  
23           such Act (16 U.S.C. 1421f–1) is amended—

1 (A) in subsection (a) by redesignating  
2 paragraph (2) as paragraph (3), and by insert-  
3 ing after paragraph (1) the following:

4 “(2) Subject to the availability of appropriations, the  
5 Secretary may also enter into cooperative agreements, con-  
6 tracts, or such other agreements or arrangements as the  
7 Secretary considers appropriate to address stranding  
8 events requiring emergency assistance.”;

9 (B) in subsection (d) by inserting “(1)”  
10 before the text, and by adding at the end the  
11 following:

12 “(2) Funding for emergency stranding projects shall  
13 not be subject to the funding limit established in para-  
14 graph (1).”;

15 (C) in subsection (e)—

16 (i) in paragraph (1) by striking “The  
17 non-Federal” and inserting “Except as  
18 provided in paragraph (2), the non-Fed-  
19 eral”;

20 (ii) by redesignating paragraph (2) as  
21 paragraph (3); and

22 (iii) by inserting after paragraph (1)  
23 the following:

1           “(2) EMERGENCY ASSISTANCE.—No non-Fed-  
 2           eral contribution shall be required for funding for a  
 3           response to an emergency stranding event.”; and

4                   (D) in subsection (g) by redesignating  
 5           paragraph (2) as paragraph (3) and inserting  
 6           after paragraph (1) the following:

7           “(2) EMERGENCY ASSISTANCE.—The term  
 8           ‘emergency assistance’ means assistance provided for  
 9           a stranding event that—

10                   “(A) is not an unusual mortality event as  
 11           defined in section 409(6);

12                   “(B) leads to an immediate increase in re-  
 13           quired costs for stranding response, recovery, or  
 14           rehabilitation in excess of regularly scheduled  
 15           costs;

16                   “(C) may be cyclical or endemic; and

17                   “(D) may involve out-of-habitat animals.”.

18           (4) CONTRIBUTIONS.—Section 408 of such Act  
 19           (16 U.S.C. 1421f–1) is amended by adding at the  
 20           end the following:

21           “(i) CONTRIBUTIONS.—For purposes of carrying out  
 22           this section, the Secretary may solicit, accept, receive,  
 23           hold, administer, and use gifts, devises, and bequests.”.

24           (f) AUTHORIZATION OF APPROPRIATIONS FOR MA-  
 25           RINE MAMMAL UNUSUAL MORTALITY EVENT FUND.—

1 Section 409(3) of such Act (16 U.S.C. 1421g(3)) is  
2 amended by striking “fiscal year 1993” and inserting  
3 “each of fiscal years 2010 through 2013”.

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